

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Eric Rigie	Team: Squad #1	CCRB Case #: 201500715	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/29/2015 7:07 PM	Location of Incident: § 87(2)(b)	Precinct: 60	18 Mo. SOL 7/29/2016	EO SOL 7/29/2016	
Date/Time CV Reported Fri, 01/30/2015 4:16 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 01/30/2015 4:16 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT2 Shante Terrell	04424	929243	NARCBBS
2. DT3 Christophe Greiner	01425	930271	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Christophe Greiner	Abuse: At Brighton 3rd Street and Brightwater Court in Brooklyn, Det. Christopher Greiner questioned § 87(2)(b)	§ 87(2)(b)
B.DT2 Shante Terrell	Abuse: At § 87(2)(b) in Brooklyn, Det. Shante Terrell stopped the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
C.DT3 Christophe Greiner	Abuse: At § 87(2)(b) in Brooklyn, Det. Christopher Greiner stopped the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
D.DT2 Shante Terrell	Force: At § 87(2)(b) in Brooklyn, Det. Shante Terrell pointed his gun at § 87(2)(b)	§ 87(2)(b)
E.DT3 Christophe Greiner	Force: At § 87(2)(b) in Brooklyn, Det. Christopher Greiner pointed his gun at § 87(2)(b)	§ 87(2)(b)
F.DT2 Shante Terrell	Discourtesy: At § 87(2)(b) in Brooklyn, Det. Shante Terrell spoke discourteously to § 87(2)(b)	§ 87(2)(b)
G.DT3 Christophe Greiner	Discourtesy: At § 87(2)(b) in Brooklyn, Det. Christopher Greiner spoke discourteously to § 87(2)(b)	§ 87(2)(b)
H.DT3 Christophe Greiner	Abuse: At § 87(2)(b) in Brooklyn, Det. Christopher Greiner frisked § 87(2)(b)	§ 87(2)(b)
I.DT3 Christophe Greiner	Abuse: At § 87(2)(b) in Brooklyn, Det. Christopher Greiner searched § 87(2)(b)	§ 87(2)(b)
J.DT2 Shante Terrell	Abuse: At § 87(2)(b) in Brooklyn, Det. Shante Terrell searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
K.DT3 Christophe Greiner	Abuse: At § 87(2)(b) in Brooklyn, Det. Christopher Greiner searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)		

Case Summary

§ 87(2)(b) filed this complaint by phone with the CCRB on January 30, 2015. Part of this incident was recorded on a security camera. Closure of this case was delayed past 90 days due to unusual circumstances involving officer identification. There is no NYPD documentation of this incident. § 87(2)(a) Gen.Mun. §50-H(3)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

At approximately 7:15 p.m. on January 29, 2015, § 87(2)(b) parked his car in a parking lot on at § 87(2)(b), within the confines of the 60th Precinct in Brooklyn. § 87(2)(b) remained in his vehicle and smoked a cigarette with his windows down and the motor running. An unmarked van stopped behind § 87(2)(b) and Det. Christopher Greiner, of Brooklyn South Narcotics, got out. Det. Greiner was dressed in plainclothes and did not have his shield displayed. Det. Greiner approached § 87(2)(b)'s car and asked § 87(2)(b) what he was doing, but did not identify himself as a police officer (**Allegation A**). § 87(2)(b) replied that he was leaving and he drove out of the parking lot. § 87(2)(b) then drove to a parking garage at § 87(2)(b), approximately three blocks from the initial location to visit his ex-wife and kids. Once § 87(2)(b) was inside the garage, he noticed the same van following behind him. § 87(2)(b) stopped his car and backed approximately one car length towards the van to prevent it from entering the parking garage. Det. Shante Terrell, also of Brooklyn South Narcotics, and Det. Greiner exited the van and approached § 87(2)(b)'s car from opposite sides (**Allegations B and C**). Det. Terrell and Det. Greiner pointed their gun at § 87(2)(b) through the open windows of his car (**Allegations D and E**). Both Det. Terrell and Det. Greiner also repeatedly told him to "Get the fuck out of the car!" and "Don't fucking move!" (**Allegation F and G**). Det. Greiner, near the driver's door, briefly displayed his gold detective's shield. Det. Terrell also held up his shield on the passenger side. After approximately 10 seconds, Det. Greiner opened § 87(2)(b)'s door and § 87(2)(b) exited his car. Det. Greiner and Det. Terrell holstered their guns. Det. Greiner, frisked § 87(2)(b)'s legs, groin, waist, arms, and chest and then put his hands inside § 87(2)(b)'s pants pockets and removed § 87(2)(b)'s wallet, keys, cellphone, and cash (**Allegations H and I**). Det. Greiner removed § 87(2)(b)'s license from his wallet and then returned all of these items. Det. Greiner did not say what he was looking for. Following this search of § 87(2)(b)'s person, both Det. Terrell and Det. Greiner searched § 87(2)(b)'s vehicle (**Allegation J and K**). After searching § 87(2)(b)'s vehicle and finding no contraband, the detectives reentered their van and drove away from the scene. § 87(2)(b) was not arrested or issued a summons during the incident.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation because he wanted the subject officers disciplined (see IA's pertaining to mediation).
- § 87(2)(b) filed a notice of claim regarding this incident with the NYC Office of the Comptroller. § 87(2)(b) provided testimony to a 50H hearing on § 87(2)(b). This testimony was received by the CCRB on September 1, 2015 (02 Board Review).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b)
- Det. Terrell has been a member of the NYPD for 14 years and has four prior CCRB cases involving 11 allegations. One of these cases had three substantiated allegations for a stop, search of a premise, and the search of a person. For this case, the board recommended charges against Det. Terrell, but the NYPD gave Det. Terrell formal instructions. § 87(2)(g)
- Det. Greiner has been a member of the NYPD for 13 years and has 13 previous cases involving 33 allegations. Of these allegations, four allegations have been substantiated including two stop allegations, one discourtesy, and one refusal to provide his name and shield. Of the non-substantiated allegations, Det. Greiner has three previous stop allegations, one was exonerated, one unsubstantiated, and one truncated. Det. Greiner has three previous frisk allegations, two of which were unsubstantiated and one truncated. Det. Greiner has six previous search allegations, five of which were unsubstantiated, and one was exonerated. Det. Greiner has one unsubstantiated discourtesy allegation and one truncated question allegation. § 87(4-b) § 87(2)(g)

Potential Issues

- Security video footage from the parking garage at § 87(2)(b) was not clear enough to show the subject officer's faces (see security videos).
- No witnesses to the incident were identified (04 Board Review).

Findings and Recommendations

Explanation of Subject Officer Identification

Det. William Dean of the Brooklyn South Narcotics Bureau ICO's office confirmed that the Tactical Response Team covered for the 60th and 62nd Narcotics Bureau Precinct modules which were on administrative duty on January 29, 2015. Therefore, documents were requested from this command (see IAs pertaining to contact with the Brooklyn South Narcotics Bureau ICO).

The TRT roll call for January 29, 2015 confirmed that Det. Terrell and Det. Greiner were working during the incident. § 87(2)(b) described the detective's van as a dark blue, unmarked, full size Ford Econoline van. According to the TRT tactical plan for January 29, 2015, Det. Terrell and Det. Greiner were assigned to black Ford prisoner van# § 87(2)(b). The TRT movement sheet showed Det. Terrell and Det. Greiner operating within the confines of the 67th, 70th, and 71st

Precincts on January 29, 2015 beginning at 3:00 p.m. The movement sheet shows that they returned to their command at 8:00 p.m. The movement sheet did not show Det. Greiner or Det. Terrell working within the confines of the 60th Precinct (06-09 Board Review).

Det. Terrell's memo book shows him en-route to the vicinity of the 60th Precinct at 6:20 p.m. his next log lists him arriving at the 60th Precinct with Det. Greiner at approximately 7:00 p.m. (11 Board Review).

Det. Greiner's memo book showed him conducting SNEU in the vicinity of the 60th Precinct at 6:30 p.m. The memo book then showed Det. Greiner en-route to Narcotics Borough Brooklyn South at approximately 7:30 p.m. (12 Board Review).

Det. Greiner did not recall this incident at all. However, Det. Greiner said that on January 29, 2015, from 6:30 p.m. until approximately 7:30 p.m., he and Det. Terrell were doing Street level Narcotics Enforcement (SNEU) within the confines of the 60th Precinct. Det. Greiner said that on January 29, 2015, he and Det. Terrell were assigned to a full sized, unmarked, dark blue prisoner van as part of a buy and bust team. Det. Greiner said that the prisoner van that he and Det. Terrell were assigned to had no emergency lights or siren and so generally it was not used for vehicle stops. Det. Greiner and Det. Terrell were dressed in street clothes, which included jackets and possibly a baseball cap or ski hat. When shown a photo, Det. Greiner recognized the parking lot at Brighton 3rd Street and Brightwater Court, but did not remember if he or Det. Terrell ever went to that parking lot on the night of the incident. Det. Greiner said the area that the parking lot was in had a high level of drug activity, but there were no specific conditions in the parking lot itself. Det. Greiner did not recall approaching any individuals in a car or any individuals in a car driving away from him. Det. Greiner did not remember following any individuals to a parking garage or stopping an individual inside a parking garage. Det. Greiner was shown Snagit garage security video# 1 of the incident, but it did not refresh his memory and he did not recall if he was the officer who approached § 87(2)(b)'s driver's side. Det. Greiner was shown § 87(2)(b)'s photo, but did not recognize § 87(2)(b) (13 Board Review).

Det. Terrell denied that he or Det. Greiner was involved in the incident at all saying that they were inside the 60th Precinct stationhouse at 7:00 p.m. Det. Terrell said that he and Det. Greiner went to the 60th Precinct stationhouse to drop off drugs purchased during case buys, which were then vouchered as case evidence. Det. Terrell did not believe that he or Det. Greiner signed the command log or the interrupted patrol log at the 60th Precinct, because they did not belong to that precinct. Det. Terrell did not recall if he or Det. Greiner filled out any of the voucher paperwork. Det. Terrell did not think that there was any documentation to confirm that he and Det. Greiner were at the 60th Precinct stationhouse during the incident. Det. Terrell said that he and Det. Greiner stayed together their entire tour and never switched partners. Det. Terrell recognized a photo of the parking lot at Brighton 3rd Street and Brightwater Court saying that it was often used by SNEU teams, § 87(2)(e) Det. Terrell also said that he had made either more than five or more than 10 observations of individuals using drugs in the parking lot and may have observed individuals smoking marijuana inside of cars. Det. Terrell also personally arrested several individuals in the parking lot. Det. Terrell did not remember going to the parking lot on January 29, 2015 or questioning anyone sitting inside a car on that date. Det. Terrell denied that he or Det. Greiner ever stopped § 87(2)(b)

§ 87(2)(b) or any individuals inside a parking garage on the date of the incident. Det. Terrell did not recognize § 87(2)(b) from his photo. Det. Terrell was shown Snagit garage security video# 1, but it did not refresh his memory of the incident (14 Board Review).

§ 87(2)(b) described Det. Greiner as a white, male, 5'8" tall, 175 pounds, average build, short brown hair, brown eyes, in his 30's, wearing plain clothes with a blue pea-coat, knit hat, and a gold shield. This description generally matches Det. Greiner's NYPD photo and pedigree showed him to be a § 87(2)(b) old, white, male, 5'10" tall, 180 pounds, with an average build, straight brown hair, and blue eyes (01 and 05 Board Review).

§ 87(2)(b) described Det. Terrell as a black, male, 6' tall, 195 pounds, with an athletic build, black hair, a short beard, in his late 20's, dressed in plainclothes with dark pants and coat, and a flat cap. This description generally fit Det. Terrell's NYPD photo and pedigree, which showed him to be a § 87(2)(b) old, black, male, 5'9" tall, 203 pounds, with an average build, short black hair, brown eyes, and with a moustache (01 and 05 Board Review).

On October 13, 2015, § 87(2)(b) picked Det. Greiner out of a photo array and identified him as the white officer who pointed his gun at § 87(2)(b) during this incident. During the same photo array, § 87(2)(b) failed to identify Det. Terrell and instead picked an officer in a filler photo, who he described as the second officer who also pointed his gun at § 87(2)(b) (15 Board Review).

In this case, the TRT Tactical plan showed that the unmarked prisoner van assigned to Det. Terrell and Det. Greiner fit the van described by § 87(2)(b) § 87(2)(b) described not being stopped with emergency lights or a siren. Det. Greiner confirmed, during his CCRB interview, that the prisoner van was not equipped with emergency lights or a siren. Det. Terrell's memo book showed that he and Det. Greiner were working within the confines of the 60th Precinct during this incident. Det. Greiner's memo book showed that he and Det. Terrell were working SNEU within the confines of the 60th Precinct during this incident and § 87(2)(e)

Both detectives identified this parking lot as a drug prone location in their CCRB interviews. Det. Greiner and Det. Terrell fit § 87(2)(b)'s descriptions of the subject officers and on October 13, 2015, § 87(2)(b) identified Det. Greiner from a photo array. NYPD documents ruled out other officers from the PBBS Specialized Unit, the PBBS Gang Squad, the PBBS Task Force, PSA 1, or the PBBS Narcotics 60th or 62nd Precinct Modules as no other plainclothes officers fitting § 87(2)(b)'s description and assigned to a full size unmarked van were working within the confines of the 60th Precinct. There were no detailed EVENTS, Stop and Frisk reports, or warrant checks performed by any officers at either incident location. § 87(2)(g)

Allegation A –Abuse of Authority: At § 87(2)(b) in Brooklyn, Det. Christopher Greiner questioned § 87(2)(b)
Allegation B – At § 87(2)(b) in Brooklyn, Det. Shante Terrell stopped the vehicle in which § 87(2)(b) was an occupant.
Allegation C – At § 87(2)(b) in Brooklyn, Det. Christopher Greiner stopped the vehicle in which § 87(2)(b) was an occupant.
Allegation D – Force: At § 87(2)(b) in Brooklyn, Det. Shante Terrell pointed his gun at § 87(2)(b)
Allegation E –Force: At § 87(2)(b) in Brooklyn, Det. Christopher Greiner pointed his gun at § 87(2)(b)
Allegation F –Discourtesy: At § 87(2)(b) in Brooklyn, Det. Shante Terrell spoke discourteously to § 87(2)(b)
Allegation G –Discourtesy: At § 87(2)(b) in Brooklyn, Det. Christopher Greiner spoke discourteously to § 87(2)(b)

§ 87(2)(b) said that he was sitting inside his silver Jeep Grand Cherokee, which was parked in a parking lot at § 87(2)(b) in Brooklyn. The parking lot was dark and lit only by dim street lights. § 87(2)(b) was smoking a cigarette and had his two front windows down. § 87(2)(b) did not speak with anyone inside the parking lot and no individuals approached his vehicle. An unmarked blue Ford Econoline parked directly behind § 87(2)(b)'s car and Det. Greiner approached his driver's side door. Det. Greiner, who was in plainclothes without a shield displayed, never identified himself as a police officer, but asked § 87(2)(b) what he was doing. Unsure of whom Det. Greiner was and thinking that he might be a criminal, § 87(2)(b) replied that he was leaving, pulled his car out of the space, and drove towards the lot's exit. § 87(2)(b) obeyed all traffic signals on leaving the parking lot and proceeded to drive to the parking garage at § 87(2)(b). On entering the garage, § 87(2)(b) noticed the blue Ford Econoline van following behind him and he stopped his car to prevent the van from entering his garage. The van backed a short distance into the street. The van never turned on emergency lights or gave any other indication that it was a police vehicle. Det. Terrell and Det. Greiner got out of the van and drew their guns. Det. Greiner approached § 87(2)(b)'s driver's side door while Det. Terrell approached his passenger side door. Both Det. Terrell and Det. Greiner made multiple statements to § 87(2)(b) similar to, "Get the fuck out of the car!" and "Don't fucking move." Both Det. Terrell and Det. Greiner pointed their guns through § 87(2)(b)'s open driver's window and passenger window. At that point, Det. Greiner held up his gold shield for approximately two seconds. It was only at this point that § 87(2)(b) realized that Det. Terrell and Det. Greiner were police officers (05 Board Review).

Snagit garage security video# 1 showed § 87(2)(b) driving his silver SUV into his garage with his headlights on. § 87(2)(b) made a right turn into the garage. The date and time stamp of this video says, "Thursday, January 29, 2015, 19:07, Camera# 36." A black or dark colored, full sized van appeared to turn right and drive toward the entrance of the garage. § 87(2)(b)'s SUV stops, backs a short distance towards the van, and stops. No emergency lights are seen on the van. The passenger door of the van opens and a plainclothes male officer wearing a dark hat and coat walks into the garage. This male walks off screen to the left of § 87(2)(b)'s car while reaching under his jacket. At 00:30, the officer approaches § 87(2)(b)'s passenger side door with his gun held in his right hand and his arm extended with his left hand held flat in front of him. At the

same time, the driver's door of the van opens and a second male officer in plainclothes enters the garage and approaches § 87(2)(b)'s driver's door. At 00:39, this officer draws and points his gun at § 87(2)(b) using his right hand while extending his left arm and holding his left hand at § 87(2)(b)'s window. This officer then opens § 87(2)(b)'s driver's door and § 87(2)(b) steps out. Both officers then holster their guns.



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As addressed above, Det. Terrell denied that he or Det. Greiner were involved in the incident at all, while Det. Greiner did not recall if he or Det. Terrell were involved in the incident at all (13 and 14 Board Review).

People v DeBour (40 N.Y. 2d 210 (1976)) says that an officer may request information from an individual if they have a sufficient, articulable reason (19 Board Review).

People v. Laron Robinson (People v. Robinson, 2014 Ad4, LEXIS 7787 (4th Department 2014)) says that police stops of automobiles are legal only pursuant to routine, non-pretextual traffic checks to enforce traffic regulations or when there exists at least a reasonable suspicion that the driver or occupants of the vehicle have committed, are committing, or are about to commit a crime (16 Board Review).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

Police Department v. PO Steven Gliner (Index No. 955/00) says that officers may draw and point their firearms at another person if he has a reasonable fear for his or another person's safety (17 Board Review).

§ 87(2)(g)

P.G. 203-09 says that officers must be courteous and respectful (18 Board Review).

§ 87(2)(g)

Allegation H –Abuse of Authority: A § 87(2)(b) **in Brooklyn, Det. Christopher Greiner frisked** § 87(2)(b)

Allegation I –Abuse of Authority: A § 87(2)(b) **in Brooklyn, Det. Christopher Greiner searched** § 87(2)(b)

§ 87(2)(b) said that Det. Greiner patted down his legs, groin, waist, arms, and chest. Det. Greiner then placed his hands inside § 87(2)(b)'s pockets on the chest of his jacket, side of his jacket, as well as the front, rear, and side of his pants. Det. Greiner removed § 87(2)(b)'s wallet, keys, cellphone, and cash from these pockets. Det. Greiner removed § 87(2)(b)'s license from his wallet, looked at it, and then returned all of these objects. Det. Greiner did not

give § 87(2)(b) any orders or say what he was looking for. § 87(2)(b) said that this frisk and search lasted approximately 15 minutes and that two building employees walked into the garage while it was going on (05 Board Review).

Security footage from the parking garage shows Det. Greiner standing in front of § 87(2)(b) after he steps out of his car. § 87(2)(b) never appears to make any obviously furtive movements before or after stepping out of his car. Det. Greiner appears to have his hands on § 87(2)(b)'s torso and appears to reach into § 87(2)(b)'s coat and also to look at various items that he holds in his hand. § 87(2)(b)'s torso above his waist is visible, but his torso below his waist is blocked by the car door. During these actions, which last for approximately one minute and thirty seconds, Det. Terrell walks out of the garage and the garage door closes. After approximately one minute and thirty seconds, § 87(2)(b) walks toward the garage exit door with his hands raised by his head. Det. Greiner follows. § 87(2)(b) is calm and seemingly cooperative throughout this interaction.



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People v DeBour (40 N.Y. 2d 210 (1976)) says that an officer needs reasonable suspicion that an individual possesses a weapon to frisk him and probable cause that a crime has been committed to search an individual (19 Board Review).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation J –Abuse of Authority: At § 87(2)(b) in Brooklyn, Det. Shante Terrell searched the vehicle in which § 87(2)(b) was an occupant.

Allegation K –Abuse of Authority: At § 87(2)(b) in Brooklyn, Det. Christopher Greiner searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) said that while he was interacting with Det. Greiner, he observed Det. Terrell enter his SUV via the front passenger door. § 87(2)(b) was standing by the rear of his SUV and could not see what Det. Terrell was doing inside his SUV. Det. Terrell then exited the car, walked over to § 87(2)(b) and stood by § 87(2)(b) while Det. Greiner entered his car via the driver's door. § 87(2)(b) was again unable to see what Det. Greiner was doing inside his car. However, when § 87(2)(b) later returned to his vehicle, he noticed that the center console, glove compartment, and dashboard compartments were all open. § 87(2)(b) also noticed that various items in these compartments and other items on the floor underneath the seats were disorganized. § 87(2)(b) did not see either officer go into his trunk or back seat. § 87(2)(b)

said that while Det. Greiner was inside his vehicle, Det. Terrell asked him if he ever smoked marijuana or used any other drugs. § 87(2)(b) replied that he did not. Det. Terrell also asked § 87(2)(b) if he could provide further proof of his identity. § 87(2)(b) said that he had additional documentation inside his briefcase, which was on his back seat. Det. Terrell told § 87(2)(b) that he could leave his briefcase inside his car and did not ask for any other ID (05 Board Review).

A Snagit clip of security footage from the incident shows Det. Terrell opening § 87(2)(b)'s driver's side passenger door and sticking his head and torso into the back seat. Det. Terrell then walks around the rear of the vehicle and opens the front passenger door. Det. Terrell then goes into § 87(2)(b)'s vehicle through the front passenger door. While this is going on, Det. Greiner sticks his head and torso inside § 87(2)(b)'s vehicle via the driver's door while § 87(2)(b) stands beside the driver's side passenger door and watches. At 00:35 Det. Greiner gets out of the car and appears to speak to § 87(2)(b). Movement can still be seen inside the vehicle through the windshield, but Det. Terrell's actions cannot be clearly seen.



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People v Martin Galak (81 N.Y. 2d 463; 616 N.E. 2d 842; 600 N.Y.S. 2d 185; 1993 N.Y. LEXIS 1865) says that officers may only make a warrantless search of a vehicle if they have probable cause to believe that evidence or contraband will be found there (20 Board Review).

§ 87(2)(g)
[Redacted text block]

§ 87(4-b) § 87(2)(g)
[Redacted text block]

[Redacted text block]

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

Squad: 1

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date